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First Named Applicant: Auerbach)	Art Unit: 2651
)	
Serial No.: 10/786,692)	Examiner: Slavitt
)	
Filed: February 25, 2004)	HSJ920030241
)	
For: SYSTEM AND METHOD FOR CORRECTING FOR)	March 20, 2006
HEAD TILT IN HDD)	750 B STREET, Suite 3120
)	San Diego, CA 92101
)	

Commissioner for Patents
Alexandria, VA

Dear Sir:

RULE 312 AMENDMENT

Please amend the above-captioned application as follows. The application has been allowed, the issue fee has not yet paid. The amendment is believed to be proper under MPEP §716 because (A) it is needed for proper protection of the invention, and (B) it requires no substantial amount of work on the part of the Office, for the following reasons. Applicant intended that the controller of Claims 1, 7, and 12 could undertake one or both recited functions, and it is believed that the Examiner conducted examination accordingly.

However, Applicant recently has been made aware of Superguide Corp. v. DirectTV Enterprises, Inc., 358 F.3d 870 (Fed. Cir. 2004) in which a claim recitation of "at least one of A, B, C, and D" was held to minimally require at least one element from each of the categories A, B, C, and D, not one or more elements from one or more categories as intended in the present case, with the Federal Circuit noting that for the latter interpretation to hold, the conjunctive "or" should be used. Accordingly, the present amendment

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is believed to reconcile, with the Superguide case, both Applicant's intended claim scope and what Applicant believes to have been the examiner's understanding of the claimed invention, thus complying with the above-noted requirements of the MPEP.

Respectfully submitted,



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